THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :11177 of 2007

DATED:05-06-2007

BETWEEN:

M.Mujib Khan.

..... PETITIONER

AND

The Superintendent of Police,
Anantapur,
Anantapur District & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in interfering with the petitioner's house plot No.222 in Sy.No.410-2A at Rahamatpuram in Hindupur town, Anantapur District while the civil suit was pending in O.S.No.219 of 2003 on the file of the Junior Civil Judge's Court, Hindupur and trying to dispossess the petitioner from the above land, as illegal, arbitrary.

3. It is the case of the petitioner that the Government issued house site patta vide proceedings HSRD No.60/1402, dated 26-01-2003, in respect of 146 sq.yards in Sy.No.410-2A situated at plot No.2 bearing No.5-8-246/60-A, Rahamatpuram, Hindupupr town. It is stated that as certain members namely P.Hussain Khan; Alikhan; and Smt. Beebi made an attempt to interfere with the peaceful possession and enjoyment of the petitioner's property petitioner filed a civil suit in O.S.No.219 of 2003 on the file of the Junior Civil Judge, Hindupur against them to grant permanent injunction restraining them from interfering with his peaceful possession and enjoyment. Whilse so, pending the said suit 2nd respondent-Circle Inspector of police, Hindupur, in collusion with the 3rd respondent, is interfering with the peaceful possession and enjoyment of the petitioner over the said property. It is further stated that the petitioner made a representation,

06-05-2007, before the 1st respondent-Superintendent of police making certain allegations against the 2nd respondent and to take appropriate action but the 1st respondent has not enquired into the same and no action has been taken so far.

4. I am of the opinion that when serious allegations have been made against the 2nd respondent, 1st respondent is bound to make enquiry and take appropriate action against him.

5. Having regard to the facts and circumstances 1st respondent is directed to conduct an enquiry and take appropriate action based on the representation, dated 06-05-2007, filed by the petitioner in accordance with law. Till such enquiry is conducted and disposed of, 2nd respondent is directed not to interfere with the civil disputes of the petitioner.

6. Writ Petition is accordingly disposed of. No order as to costs.

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V.ESWARAIAH,J

05th June, 2007.

Note:

Furnish C.C. of the order
Within two days.

B/o

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